(3)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

WRIT PETITION NO. 3709 OF 2003

BETWEEN

Lalji Yadav S/o Dulare Yadav, aged about 55 years, occupation Khalasi Helper, South Eastern Railway, Korba, (Signal Department) resident of House no. 3/4 New Colony, S.E.Railway Korba (CG).

PETITIONER

A N D

1. The Union of India, through the Secretary, Department of Indian Railways , Ministry of Railways , NEW DELHI .

2. The Divisional Signal and Telecom Engineer, D.S.T.E., South Eastern Railway, Bilaspur (CG).

3. Senior Divisional Signal and Telecom Engineer, South Eastern Railway, Bilaspur (CG).

RESPONDENTS

WRIT PETITION UNDER ARTICLES 226/227 OF CONSTITUTION OF INDIA

No. 2483/03
Presented by Shri Vinayak Gaikwad
dated 29.08.03

(38)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

W.P. No. 3709/03

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	13.02.2004 Petitioner by Smt. Renu Kocher, Advocate. Smt. Hameeda Siddque, Advocate takes notice on behalf of Respondents. The petitioner has preferred this petition under Article 226/227 of the Constitution of India being aggrieved by the order dated 22nd January, 2003 passed by the Respondent No.2 whereby the services of the petitioner has been terminated. The brief facts leading to filing of this writ petition are that since 4.8.1971 the petitioner was working as helper (khalasi) in the Railway. He alongwith three other employees namely S.K.Patel, Ram Lal and Shriram were arrested in connection with the offence under Section 3(A) of the R.P.U.P. Act. and after completion of the trial all the four persons were convicted vide judgment dated 25.11.1994 passed in Case No. 1392/32 by the Special Railway Magistrate, Raipur and sentenced to undergo 3 days rigorous imprisonment and to pay a fine of Rs.1000/-. Even after passing of that judgment the petitioner continued in service but all of a sudden after 7 years the Respondent No. 3 sent a letter on 15.3.2001 for supply of the copy of the judgment within 10 days. Soon after receipt of that notice the petitioner submitted reply that a Criminal Revision No. 731/95 has been preferred in the High Court of Madhya Pradesh and the same is still pending. However, all of a sudden the Respondent No.2 removed the petitioner from service on 21.1.2003.	

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

W.P. No. 3709/2013

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित —2—	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Learned counsel for the petitioner submits that by the time the petitioner was terminated from service he had already completed 30 years of service, therefore the petitioner may be allowed to make a representation to the Respondent No.2 to seek voluntary retirement, to which learned counsel appearing for the respondents have no objection.

Having heard learned counsel for the parties and having regard to the facts and circumstances of the case the petitioner is allowed to make a detailed representation within a period of 10 days from today to the Respondent No.2. In that representation the petitioner would be at liberty to seek voluntary retirement. The Respondent No.2 in turn will decide the representation within a period of 60 days from the date of receipt of the representation in an objective manner considering all the points raised by the petitioner, by passing a reasoned order.

With the above observations this petition is disposed of finally.

Parties are entitled for certified copy of this order.

Sd/-
L.C.BHADOO
Judge

[पीछे देखिये